

### **REMARKS**

The Office Action dated September 23, 2005 contained a rejection of claims 1-22. The Applicant has amended independent claims 1, 6, 12, 17, and 20. Claims 1-22 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rashkovskiy in view of Angles (U.S. Patent No. 5,933,811).

The Applicant respectfully traverses this rejection based on the amendments to the claims and the arguments below.

Specifically, the Applicant submits that the combination of Rashkovskiy with Angles do not disclose all of the claimed features. Namely, the Applicant's amended claims now include that the contrast of the advertising content is less than the information content so that the advertisement content has a level of transparency that is automatically adjusted according to capabilities of the computer device and the advertising content is dynamically changed based on changes from the network to the information content. Support for these newly amended features can be found at the first two full paragraphs (lines 1-16) of page 6 and FIGS. 4-6 of the originally filed application.

In contrast, Rashkovskiy merely disclose a "...video game...associated with advertising such that when the player mouse clicks on an image element in the course of play of the game, the game play may automatically be paused..." Although Rashkovskiy disclose advertising content in the video game and Angles disclose customized advertisements (see Abstract of Angles), the contrast of the advertising content in the combined references are not less than the information content with the advertisement content having a level of transparency that is automatically adjusted according to capabilities of the computer device and the advertising content being dynamically changed based on changes from the network to the information content, like the Applicant's claimed invention.

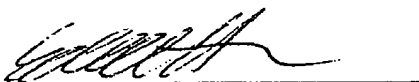
Consequently, since the claimed elements are not disclosed, taught or suggested by Rashkovskiy alone or in combination with Angles, the combined references cannot render the claims obvious, which indicates a clear lack of a prima facie case of obviousness (*MPEP* 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

Respectfully submitted,  
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Edmond A. DeFrank  
Reg. No. 37,814  
Attorney for Applicant  
(818) 885-1575 TEL  
(818) 885-5750 FAX